

Notes on Call with MDEQ on July 21, 2015

MDEQ Implementation of LCR Rule and Flint Issues

Issue #1: Is there a public health concern regarding lead in Flint or other regulatory requirements?

- The 90th percentile results of the 2nd round of monitoring was 11 ppb.
- The population has dropped to under 100,000 and therefore the 1st round of 6-month monitoring was done for 100 samples, but the 2nd round only needed 60 samples.
- Customer-requested samples were included, but MDEQ did not have specifics on how many there were.
- Tinka asked about the timeline for Flint to switch over to the Lake Huron water source. MDEQ said the pipeline is under construction and scheduled to be complete by July 2016. MDEQ expects some delays and thinks a more realistic timeframe is October 2016.
- MDEQ explained that Flint would have 18 months to complete the corrosion control study and the complicating factor of switching over to Lake Huron. Should the corrosion control study be based on the Lake Huron source? MDEQ also explained that once Flint is using Lake Huron water that they would then need to complete 2 more rounds of 6-month monitoring to assess whether any adjustments to the corrosion control treatment was needed.
- MDEQ will be sending a letter to Flint telling them they need to complete a corrosion control study – based on results they are not optimized. Given the timing of completing a corrosion control study and the anticipated switch to Lake Huron water, MDEQ will have discussions with Flint and request that they start corrosion control treatment as soon as possible.
- MDEQ asked for Region 5's opinion on whether the regulations allow for the study requirement for Flint to be waived if MDEQ has Flint start pH adjustments and adding phosphates. Region 5 will look into this and get back to MDEQ with an answer. All acknowledged that if Flint initiated corrosion control treatment and continued to evaluate the system to ensure optimization that these efforts would essentially equate to a corrosion control study.
- The Region raised its concern about looking at treatment more comprehensively to ensure problems with DBPs didn't occur. MDEQ stated that Flint is on the brink of DBP compliance and that bacteriological issues haven't occurred since last year. Any adjustments for corrosion control treatment would need to make sure the other issues weren't exacerbated.
- Region 5 again offered the assistance of ORD staff, Darren Lytle and Mike Schock which MDEQ said they had shared with Flint already.

Issue #2: Discuss optimal corrosion control requirements

Discussion Items:

- MDEQ explained that they did not treat the switch to Flint River water as a "new system", but as a new source. It is their understanding that 2 rounds of 6-month monitoring is still needed to characterize the water quality. They don't know what is optimized until those 2 rounds of 6-month monitoring are completed.
- Region 5 noted that under 141.81(b)(3)(iii) that any system that has been deemed optimized must notify

the State of any long-term change in treatment or the addition of a new source. The State must review and approve the change and may require any such system to conduct additional monitoring or other action to ensure that the system maintains minimal levels of corrosion in the distribution system. The State's requirement for 2 additional rounds of 6-month monitoring would fall under the "additional monitoring" prescribed by the State and not the initial 2 rounds of 6-month monitoring for new systems.

- Region 5 explained that they have talked to HQ about the interpretation of regulations and believes that systems that have been deemed optimized need to "maintain" corrosion control. The Region agreed to provide supporting regulatory citations for the language about maintaining corrosion control. Ed Moriarty in OGWDW is also consulting OGC on this topic and the OGC opinion will also be shared.
- MDEQ mentioned that there are other communities that may leave the Detroit system or connect to the new Lake Huron pipeline, but many of those either don't need to treat for corrosion control or will be building new treatment plants. Requirements for maintaining corrosion control for additional communities connecting to the Lake Huron pipeline will be discussed further after receipt of the HQ/OGC opinion.

Issue #3: Discuss Pre-flushing (as time allows)

- Lead compliance sampling procedures in the state of Michigan comply with Federal SDWA requirements which calls for a minimum of 6 hours during which there is no water used from the tap the sample is taken from.
- MDEQ is not interested in changing its position on pre-flushing until new regulations come out. They also pointed out that the pre-flushing instructions are not requirements, but suggestions.
- The Michigan pre-flushing instructions were developed as a way to ensure that sampled faucets were not stagnant for an excessive period of time beyond the targeted 6 hour (i.e., rarely used faucets or when a homeowner has been gone for an extended period of time).

Next Steps:

- MDEQ will send a letter to Flint regarding the 2 rounds of 6-month monitoring results that exceed 5 ppb and the need for a corrosion control study. They will have discussions with Flint to request that they start corrosion control treatment as soon as possible rather than waiting for the completion of a study that can take 18 months.
- MDEQ and the Region were in agreement that it is important to get phosphate addition going in Flint as soon as possible. MDEQ mentioned tapping Mike Shock for help with this in the interim.
- Region 5 commented that we now have a path forward for Flint despite a difference of opinion on whether the regulations required Flint to "maintain" corrosion control treatment when they started serving treated water from the Flint River.
- MDEQ and Region 5 agreed that after Flint implements corrosion control treatment, when they switch back to Lake Huron water, they will need to continue the corrosion control treatment while conducting monitoring to determine if this treatment is optimized with the new Lake Huron water quality.
- Region 5 will get back to MDEQ once it gets HQ/OGC's opinion on the need to "maintain" corrosion control treatment once a system is deemed optimized.

- MDEQ and Region 5 agreed that other communities currently implementing corrosion control treatment and change sources will need to continue to provide corrosion control treatment and conduct monitoring to determine whether the treatment is optimized with the new source water quality.
- Region 5 will research and get back to MDEQ on the 141.81 (3)(b)(5) citation and the ability to waive a CCT study.

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